

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Fabien DIVO

Conf. 4929

Application No.10/582,351

Group 2877

Filed June 9, 2006

Examiner A. Merlino

A DEVICE AND A METHOD OF AUTOMATICALLY
DETECTING VARIOUS CHARACTERISTICS OF AN
OPHTHALMIC LENS

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTIONS OVER CO-PENDING APPLICATIONS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 18, 2008

Sir:

ESSILOR INTERNATIONAL (Compagnie Generale d'Optique),
owner of 100 percent interest in the instant application, hereby
disclaims, except as provided below, the terminal part of the
statutory term of any patent granted on the instant application,
which would extend beyond the expiration date of the full
statutory term defined in 35 USC 154 to 156 and 173, as presently
shortened by any Terminal Disclaimer, of the patents to issue on
any of co-pending applications 10/582,140 and 10/582,139. The
owner hereby agrees that any patent so granted on the instant
application shall be enforceable only for and during such period
that it and the patents to issue on the co-pending applications
are commonly owned. This agreement runs with any patent granted

on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the patents to issue on the co-pending applications, as presently shortened by any Terminal Disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any Terminal Disclaimer.

The undersigned is an attorney of record.

Respectfully submitted,

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